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JAMES E WALTON, PLLC

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MAY 22 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 020431.0750

In re Application of:

NOEL TENORIO

Serial No. 09/750,617

Filed: 20 DECEMBER 2000

For: SYSTEM AND METHOD FOR  
NEGOTIATING ACCORDING TO  
IMPROVED MATCHING CRITERIA

§  
§  
§ Examiner: LALITA M. HAMILTON  
§  
§  
§ Art Unit: 3624  
§  
§  
§ Confirmation No. 6553  
§

REQUEST FOR REFUND

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby requests a refund in the amount of \$450.00, which was charged on 14 April 2006 to Deposit Account No. 500777 as shown on the attached Deposit Account Statement (Exhibit A) obtained from the USPTO website on 2 May 2006. The fee associated with the \$450.00 in question is not necessary, as discussed below.

<p><b>CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)</b></p> <p>I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, Fax No. (571) 273-8300 on <u>22 May 2006</u></p> <p>Typed or Printed name of person signing this certificate: <u>Brian E. Harris</u></p> <p>Signature: <u>[Signature]</u></p>
---

Request for Refund  
Attorney Docket No. 020431.0750  
Page 1

**REMARKS:**

According to information obtained from the Deposit Account Branch of the U.S. Patent and Trademark Office, the \$450.00 in question was charged as a fee for a two-month extension of time for an Appeal Brief in that was filed on 6 April 2006. The Appeal Brief was filed in response to a Notice of Panel Decision from Pre-Appeal Brief Review ("Notice") dated 6 March 2006 that provided a one-month response period ending 6 April 2006. Copies of the first two pages of the Notice, showing the mailing date and the response period, are attached hereto as Exhibits B and C, respectively. The Appeal Brief was filed on 6 April 2006, as evidenced by the copy of the first page of the Appeal Brief (attached as Exhibit D), which includes a Certificate of Mailing Under 37 C.F.R. § 1.8(a) certifying that the Response was deposited with the United States Postal Service as First Class Mail on 6 April 2006. Thus, in accordance with the certificate of mailing procedures set forth in 37 C.F.R. § 1.8(a), the Response should be treated as timely since it was mailed before the expiration of the reply period provided by the Notice. Accordingly, no fee for an extension of time should be necessary.

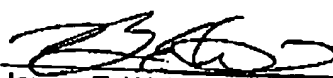
**CONCLUSION:**

Therefore, the Applicant hereby requests a refund in the amount of \$450.00 be credited to Deposit Account No. 500777. No fees are deemed to be necessary for the filing of this Request; however, the undersigned hereby authorizes the Commissioner to charge any fees that may be required, or credit any overpayments, to Deposit Account No. 500777.

Please link this application to Customer No. 53184 so that its status may be checked via the PAIR System.

Respectfully submitted,

5/22/2006  
Date



James E. Walton, Registration No. 47,245  
Brian E. Harris, Registration No. 48,383  
Steven J. Laureanti, Registration No. 50,274  
Daren C. Davis, Registration No. 38,425  
Michael Alford, Registration No. 48,707  
Law Offices of James E. Walton, P.L.L.C.  
1169 N. Burleson Blvd., Suite 107-328  
Burleson, Texas 76028  
(817) 447-9955 (voice)  
(817) 447-9954 (facsimile)  
jim@waltonpllc.com (e-mail)

**CUSTOMER NO. 53184**

**ATTORNEYS AND AGENTS FOR APPLICANTS**



United States  
Patent and  
Trademark Office

EXHIBIT A

Return To:  
USPTO  
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Shopping  
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Deposit Account Statement

Requested Statement Month: April 2006  
Deposit Account Number: 500777  
Name: I2 TECHNOLOGIES US, INC  
Attention: ROBERT C. DONOHOO  
Address: 11701 LUNA ROAD  
City: DALLAS  
State: TX  
Zip: 75234  
Country: UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
04/03	54	09686447	0544MH-40015 1501		\$1,400.00	\$18,345.00
04/03	55	09686447	0544MH-40015 8001		\$30.00	\$18,315.00
04/03	132	09976791	020431.0927 1501		\$1,400.00	\$16,915.00
04/03	133	09976791	020431.0927 8001		\$30.00	\$16,885.00
04/03	1	2283178		8208	\$100.00	\$16,785.00
04/10	99	09998363	020431.1052 1501		\$1,400.00	\$15,385.00
04/10	100	09998363	020431.1052 1504		\$300.00	\$15,085.00
04/10	101	09998363	020431.1052 8001		\$30.00	\$15,055.00
04/10	194	09750817	020431.0750 1402		\$500.00	\$14,555.00
04/12	119	09684076	020431.0981 1801		\$790.00	\$13,765.00
04/14	2	09750617	020431.0750 1262		\$450.00	\$13,315.00
04/18	1	10103383	020431.1120 8021		\$40.00	\$13,275.00
04/18	29	09791481	020431.0985 1801		\$790.00	\$12,485.00
04/18	129	10033103	020431.0780 1801		\$790.00	\$11,695.00
04/18	139	09884393	1020431.0985 1801		\$790.00	\$10,905.00
04/24	37	PAYMENT		9204	-\$20,000.00	\$30,905.00
04/25	42	09755751	020431.0792 1501		\$1,400.00	\$29,505.00
04/25	43	09755751	020431.0792 1504		\$300.00	\$29,205.00
04/25	44	09755751	020431.0792 8001		\$30.00	\$29,175.00
04/25	94	09745374	020431.0751 1801		\$790.00	\$28,385.00
04/25	95	09745374	020431.0751 1252		\$450.00	\$27,935.00
04/26	126	09848378	020431.0887 1501		\$1,400.00	\$26,535.00
04/26	127	09949378	020431.0887 8001		\$30.00	\$26,505.00
04/26	128	09834802	020431.0832 1501		\$1,400.00	\$25,105.00
04/26	129	09834802	020431.0832 8001		\$30.00	\$25,075.00
04/27	39	5832532	020431.0137 1552		\$2,300.00	\$22,775.00
04/27	158	6486899	020431.0452 1551		\$900.00	\$21,875.00

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BALANCE CHARGES REPLENISH BALANCE

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,617	12/20/2000	Noel Tenorio	020431.0730	6553

SI 14 7590 03/06/2006  
I2 TECHNOLOGIES US, INC.  
ONE I2 PLACE, 11701 LUNA ROAD  
DALLAS, TX 75234

EXAMINER  
HAMILTON, LALITA M

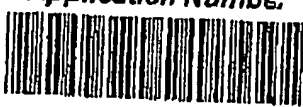
ART UNIT 3834 PAPER NUMBER

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

EXHIBIT B

PTO-90C (Rev. 10/03)

<b>Application Number</b> 	<b>Application/Control No.</b>		<b>App. (s)/Patent under Reexamination</b>
	09/750,617		TENORIO, NOEL
	Vincent Millin	Art Unit	3624
<b>Document Code - AP.PRE.DEC</b>			

## Notice of Panel Decision from Pre-Appeal Brief Review



# EXHIBIT C

This is in response to the Pre-Appeal Brief Request for Review filed 12/20/05.

1. ☐ **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

- ☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
- ☐ The request does not include reasons why a review is appropriate.
- ☐ A proposed amendment is included with the Pre-Appeal Brief request.
- ☐ Other:

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. ☒ **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to be one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

☒ The panel has determined the status of the claim(s) is as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 1, 2, 4, 7, 9, 21, and 25-30.

Claim(s) withdrawn from consideration: \_\_\_\_\_

3. ☐ **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. ☐ **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) Vincent Millin 

(2) Charles Kyle 

(3) Ella Colbert 

(4) Jagdish Patel 

U.S. Patent and Trademark Office

Part of Paper No. 030306

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 020431.0750

**In re Application of:**

**NOEL TENORIO**

Serial No. 09/750,617

**Filed: 20 DECEMBER 2000**

**For: SYSTEM AND METHOD FOR  
NEGOTIATING ACCORDING TO  
IMPROVED MATCHING CRITERIA**

Examiner: **LALITA M. HAMILTON**

Art Unit: **3624**

Confirmation No.: **6553**

**APPEAL BRIEF**

**MAIL STOP: APPEAL BRIEF - PATENT**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**EXHIBIT D**

**Dear Sir;**

This is an appeal from the final rejection in the Office Action dated 12 August 2005, which rejected claims 1-70 in the present Application. A Notice of Panel Decision from Pre-Appeal Brief Review was mailed on 6 March 2006, resulting in an Appeal Brief due date of 6 April 2006.

**Certificate of Mailing Under 37 C.F.R. § 1.8(a)**

Date of Deposit: 6 April 2006

I hereby certify that this paper or fee is being deposited with the United States Postal Service as First Class Mail with sufficient postage under 37 C.F.R. § 1.8(a) on the date indicated above and is addressed to Mail Stop: APPEAL BRIEF - PATENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

By: [Signature]

Appeal Brief  
Attorney Docket No. 020431.0750  
Serial No. 09/750,617  
Page 1

PAGE 1/9 \* RCVD AT 5/22/2006 2:50:59 PM (Eastern Daylight Time) \* SVR:USPTO-EFAXF-3/17 \* DNIS:2738300 \* CSID:8174479954 \* DURATION (mm-ss):02-34



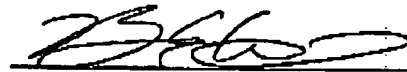
MAY 22 2006

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Respectfully submitted,

5/22/2006  
Date

  
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Brian E. Harris, Registration No. 48,383  
Steven J. Laureanti, Registration No. 50,274  
Daren C. Davis, Registration No. 38,425  
Michael Alford, Registration No. 48,707  
Law Offices of James E. Walton, P.L.L.C.  
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Burleson, Texas 76028  
(817) 447-9955 (voice)  
(817) 447-9954 (facsimile)  
jim@waltonpllc.com (e-mail)

CUSTOMER NO. 53184

ATTORNEYS AND AGENTS FOR APPLICANTS

Transmittal  
Attorney Docket No. 020431.0760  
U.S. Serial No. 09/760,617

United States Patent and Trademark Office  
- Sales Receipt -

~~04/14/2006 SCALLIHA 00000002 500777 09750617~~

~~01 EC:1252 450.00 DA~~

Adjustment date: 06/22/2006 SFELEKE1  
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01 FC:1252 450.00 CR

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